

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PETER MORGAN,

Case No. 12-12071

Plaintiff,

Paul D. Borman
United States District Judge

v.

COMMISSIONER OF
SOCIAL SECURITY,

R. Steven Whalen
United States Magistrate Judge

Defendant.

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (ECF NO. 31) DENYING PLAINTIFF'S APPLICATION
FOR COSTS AND FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT
(ECF NO. 26)

Before the Court is Magistrate Judge R. Steven Whalen's August 27, 2014 Report and Recommendation regarding Plaintiff's Application for Attorneys' Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). (Report and Recommendation, ECF No. 31). As set forth in the Report and Recommendation, the Magistrate Judge recommends that this Court deny Plaintiff's Application for Attorneys' Fees because the Defendant Commissioner's position as to Plaintiff's one successful claim was "substantially justified". (*Id.*, at 5-6 (relying upon *DeLong v. Comm'r of Soc. Sec.*, 748 F.3d 723 (6th Cir. 2014)).

Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the

Court ADOPTS the Report and Recommendation (ECF No. 31); and DENIES Plaintiff's Application for Attorney's Fees under the Equal Access to Justice Act (ECF No. 26).

IT IS SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: October 8, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 8, 2014.

s/Deborah Tofil

Case Manager